

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:13-CV-381-RJC-DCK**

**KIMBERLY ADAMS, as personal
representative of the ESTATE OF GARY L.
ADERHOLT,**

Plaintiff,

v.

**LIBERTY MUTUAL FIRE INSURANCE
COMPANY & LIBERTY MUTUAL
INSURANCE COMPANY,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion To Stay Proceedings Pending Resolution Of Declaratory Judgment Act Against United States Department Of Health & Human Services" (Document No. 30). This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and is ripe for disposition. Having carefully considered the motion, the record, and applicable authority, the undersigned will grant the motion.

Plaintiff's pending "Motion To Stay..." (Document No. 30) and "Brief In Support Of Plaintiff's Motion To Stay Proceedings Pending Resolution Of Declaratory Judgment And Mandamus Action" (Document No. 31) were filed on August 31, 2014. "Defendant's Brief In Response To Plaintiff's Motion To Stay" (Document No. 32) was filed September 12, 2014; and Plaintiff's "Notice That Reply Brief Will Not Be Filed" (Document No. 33) was filed September 16, 2014.

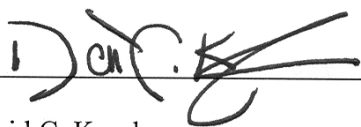
By the instant motion, Plaintiff seeks to stay all proceedings in this action pending the resolution of Adams v. Department of Health and Human Services, Civil Action No. 3:14-CV-481-RJC-DCK. (Document No. 30). The undersigned observes that there are ripe motions for summary judgment pending, and that this matter is currently scheduled for trial on or about November 3, 2014. See (Document Nos. 18, 23 and 25). However, the record also reflects that Defendants consent to the pending “Motion To Stay...,” and appear to agree that resolution of 3:14-CV-481 will likely clarify and/or narrow issues in 3:13-CV-381. (Document No. 32).

Based on the foregoing, and in consultation with Judge Conrad’s chambers, the undersigned finds good cause to allow the requested stay.

IT IS, THEREFORE, ORDERED that Plaintiff’s “Motion To Stay Proceedings Pending Resolution Of Declaratory Judgment Act Against United States Department Of Health & Human Services” (Document No. 30) is **GRANTED**. This matter is **STAYED** until otherwise ordered by the Court.

SO ORDERED.

Signed: September 17, 2014



David C. Keesler
United States Magistrate Judge

